

AFFIDAVIT OF DISCLAIMING TITLE

Gary D. Preszler, Commissioner, and **Dale L. Frink, State Engineer**, first duly sworn, swear upon penalty of perjury that the statements made in this affidavit are true.

1. I, Gary D. Preszler, am North Dakota's Commissioner of University and School Lands, which is entrusted with management responsibilities for oil, gas and related hydrocarbons in the sovereign lands of North Dakota.
2. I, Dale L. Frink, am North Dakota's State Engineer, which is entrusted with management of the State's possessory interests in sovereign lands, other than the oil, gas and related hydrocarbons in the sovereign lands.
3. At the time that North Dakota became a state, it acquired, under the Equal Footing Doctrine and Submerged Lands Act, sovereign lands from the federal government. Sovereign lands mean those areas, including beds and islands, lying within the ordinary high water mark of navigable lakes and streams.
4. The question of navigability of a lake or stream at the time of statehood is determinative of whether title to the lands underlying such waters was acquired by the state.
5. Chapter 61-33, North Dakota Century Code, grants the duty and power to the Board of University and School Lands and the State Engineer to make and execute all instruments of release and conveyance for the administration of sovereign lands.
6. The Board of University and School Lands and the State Engineer do not assert that the lands underlying the following waters, commonly known as **Cottonwood Lake**, are sovereign, and hereby disclaim title and ownership to the lands underlying the lake, located on and in the following described property:

Mountrail County

Township 157 North, Range 92 West

Section 5: SNW4, SW4

Section 6: SE4NE4, SE4

Section 7: NE4, N2SE4, SE4SE4

Section 8: W2, SE4, SW4NE4

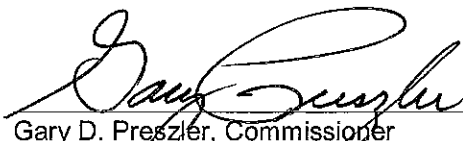
Section 9: W2SW4, SE4SW4

Section 16: S2NE4, NW4NE4, NW4

Section 17: NE4, N2NW4, NE4SE4, E2SW4, NW4SW4, W2SE4, NE4SE4

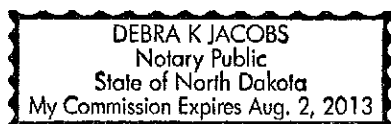
7. The State of North Dakota further preserves any title and rights that it may claim as a riparian owner.

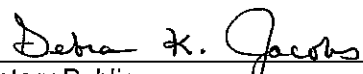
Dated this 21st day of August, 2009.


Gary D. Preszler, Commissioner
North Dakota Board of University and School Lands

STATE OF NORTH DAKOTA)
) ss
COUNTY OF BURLEIGH)

On this 21st day of August, 2009, before me personally appeared Gary D. Preszler, Commissioner of the Board of University and School Lands of North Dakota, known to me to be the person who executed this instrument and acknowledged to me that he executed the same.




Debra K. Jacobs
Notary Public

RETURN TO:

N D STATE LAND DEPARTMENT
P O BOX 5523

BISMARCK ND 58506-5523

County Recorder
Mountrail County
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AFFIDAVIT DISCLAIMING TITLE

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**Mountrail County, T157N, R92W,
Sections 5, 6, 7, 8, 9, 16, 17**

Cottonwood Lake

Dated this 14th day of September, 2009.

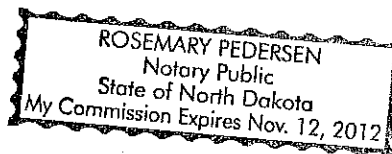
Dale L. Frink
Dale L. Frink, North Dakota State Engineer

STATE OF NORTH DAKOTA)

COUNTY OF BURLEIGH) ss

On this 14 day of September, 2009, before me personally appeared Dale L. Frink, North Dakota State Engineer, known to me to be the person who executed this instrument and acknowledged to me that he executed the same.

Rosemary Pedersen
Notary Public



County Recorder
Mountrail County
Stanley ND

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COUNTY RECORDER, MOUNTRAIL COUNTY, ND

I certify that this instrument was filed and recorded, 359351

MELISSA VACHAL, County Recorder

Fee \$15.00

By Jane Taylor, Deputy

Sep 25, 2009 10:45 AM

